



TOWN OF HINGHAM

Planning Board

CERTIFICATE OF ACTION PRELIMINARY SUBDIVISION

IN THE MATTER OF:

Owner: Allan & Rena Foley
2704 Melwood Drive
Melbourne, FL 32901

Applicant: Joseph Cincotta
1 Nashua Street, Apt. 2102
Boston, MA 02114

Agent: Kathleen H. Heffernan, Esq.
Sullivan & Comerford, P.C.
80 Washington Street, Bldg. B, Suite 7
Norwell, MA 02061

Property: 261 Gardner Street, Hingham, MA 02043

Deed Reference: Plymouth County Registry of Deeds, Deed Book 28374, Page 350

Plan References: "Preliminary Subdivision Plan for 261 Gardner Street, Hingham, MA 02043," prepared by Civil Design Group, LLC, 21 High Street, Suite 207, North Andover, MA, dated March 28, 2022 (2 Sheets)

"Plan of Land for 261 Gardner Street in Hingham, Mass.," prepared by Ross Engineering Company, Inc., 683 Main Street, Norwell, MA, dated June 12, 2003 (1 Sheet)

Existing Conditions Plan, prepared by J2M Consulting Associates, LLC, 44 Wood Avenue, Mansfield, MA, undated (1 Sheet)



SUMMARY OF PROCEEDINGS

This matter came before the Planning Board (the "Board") on the application of Joseph Cincotta (the "Applicant") for Approval of a Preliminary Plan under the Subdivision Control Law and

Section 3, B of the Board Rules and Regulations for the property located at 261 Gardner Street in Residence District B.

The Board commenced its review of the application at a duly posted public meeting held remotely on April 25, 2022 via Zoom as an alternate means of public access pursuant to Chapter 20 of the Acts of 2021 temporarily suspending certain provisions of the Open Meeting Law. The Board panel consisted of regular members Kevin Ellis, Chair, Gordon Carr, Rita DaSilva, Judith Sneath, and Gary Tondorf-Dick. Phil Henry, of Civil Design Group, LLC, presented the application to the Board. At the conclusion of the review, the Board voted unanimously to approve the preliminary subdivision.

Throughout its deliberations, the Board has been mindful of the statements of the Applicant and the comments of the general public, all as made or received at the public hearing.

BACKGROUND

The subject property consists of 4.31 acres of land located along the southerly side of upper Gardner Street and easterly of Recreation Park Drive. The lot is improved by a single-family home (ca. 1740) and other accessory buildings. The property was part of a 1969 subdivision consisting of 7 lots off of Gardner Street, bisected by a 40' wide "Way." The largest of the 7 lots (~5 acres) was conveyed to the Town of Hingham for the construction of a playground in memory of the late Herman W. Kress (Lot 6 as shown on the 1969 plan). The 7 lots consisted of what is now present day 261, 265, 283, & 285 Gardner Street, 40 Recreation Park Drive, and Kress Field. The 1969 subdivision approval included a condition that no building permits be issued on the 2 lots (Lots 2 & 3 as shown on the 1969 plan) along the Way until the way was constructed in accordance with the requirements in effect at the time it is proposed to be built.

In 2004, one of the house lots shown on the 1969 plan as Lot 3 was merged with the rear portion of Lot 7 to create the lot on which the Old Derby Animal Hospital is located. The Board additionally waived the previously noted condition related to construction of the Way for Lot 3. This left two remaining undeveloped lots (Lots 1 and 2 which includes a small sliver called 3A), with frontage on the Way leading into Kress Field from Gardner Street.

In 2011, the Board further modified the 1969 subdivision approval by waiving the condition related to construction of the Way outright. The modification allowed Lot 2 (now 265 Gardner Street) to maintain legal frontage on the substandard Way to Kress Field and physical access via a dedicated easement over Lot 7A from Gardner Street. The Recreation Commission supported the modification as the Way provides parking for Kress Field. The Fire Department also expressed support so that visitors to the Field would not block emergency access to the then-proposed house on Lot 2. The home was constructed in 2012.

DISCUSSION

The preliminary subdivision plan proposes the creation of 4 new lots – one of which will support the existing historic home and the remaining three to provide for new single-family home

construction. Additionally, a 2,100 SF parcel of land to the east of lot 4 and along the southeasterly portion of the proposed cul-de-sac will be combined with the property at 265 Gardner Street.

The plan depicts an "Anticipated Stormwater Area" in the middle of the proposed cul-de-sac for drainage. The Board noted that additional grading, drainage, and traffic information will be required along with the definitive plan application. Materials will be subject to peer review at that time. Members asked for clarity on the type of road, suggesting that perhaps the subdivision could be reconfigured to allow for a Private Local Street instead of a Limited Residential Street.

With respect to other permitting boards required to provide commentary for this application, the Hingham Board of Health reviewed the plan on April 20, 2022, voting to approve it subject to certain modifications that essentially require additional technical information at the definitive state.

During the course of discussion, the Board shared its comments and concerns regarding the proposal and potential issues. Among other comments, the Board's most notable concern surrounded the stormwater and drainage for the subdivision. The Board provided comments on the option of a drainage lot and other potential solutions for the issue in moving to the definitive stage. There was also discussion about access to the property at 265 Gardner Street via the proposed subdivision road. One individual from the public expressed general support for the proposed development, but also raised specific concerns about sightlines from the proposed subdivision road to an existing bend in Gardner Street.

DECISION

Upon a motion made by Kevin Ellis and seconded by Gary Tondorf-Dick, the Board voted unanimously to approve the application of Joseph Cincotta for Approval of a Preliminary Plan under the Subdivision Control Law and Section 3, B of the Board Rules and Regulations for the property located at 261 Gardner Street in Residence District B.

For the Planning Board,



Kevin Ellis, Chair
May 26, 2022

In Favor: Kevin Ellis, Gordon Carr, Rita DaSilva, Judith Sneath, and Gary Tondorf-Dick

Opposed: None

